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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,056	02/20/2004	Mark W. Thompson	P06711US0	6854
34082	7590	10/03/2005		
ZARLEY LAW FIRM P.L.C. CAPITAL SQUARE 400 LOCUST, SUITE 200 DES MOINES, IA 50309-2350			EXAMINER LANDRUM, EDWARD F	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,056

Applicant(s)

THOMPSON, MARK W.

Examiner

Edward F. Landrum

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 10 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-14 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Watkins (U.S Patent No. 6,324,765).

Regarding claims 1, and 2, Watkins (U.S Patent No. 6,324,765) teaches (Col. 3, lines 1-4; also see Figures 2-4, and 6) a gas trimming device with a slideable clamping member (5 and 4) attached to the shaft of the gas trimming the device. A support member (13) slideably connected to the slideable clamping member (5 and 4). A guard member (19) extends from the support member and has the ability to deflect grass clippings. Furthermore, Watkins teaches (Col. 3, lines 1-4) the support member 13 able to telescope from the slideable clamping member (5 and 4).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-9, 11-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blevins (U.S Patent No. 6,327,782) in view of Wright (U.S Patent No. 5,107,665), in further view of Bridgers (U.S Design Patent No. 373,712).

Regarding claims 1, 4, 5, 6, 9, 11 Blevins teaches (see Figures 1 and 6) a flexible brush guard for a gas trimming device which has a slideably releasable clamp (39) connected to the shaft (36). The flexible brush guard can also be attached at a 90-degree angle relative to the shaft of the trimming device.

Blevins teaches all of the elements of the current invention as listed above except the support member being slideably connected to the clamp, and that there are two support members one on each side of the shaft of the trimming device.

Regarding claims 1, 6, 7, 11, 12, 13, and 16, Wright teaches a support member slideably supported to a clamping means attached to a shaft (see Figures 1, 2, 7, and 8). Which uses a plurality of holes to adjust the distance between the guard member and the shaft.

Regarding claims 3, 8, and 14, Bridgers teaches the use of two parallel support members, one on each side of the shaft.

It would have been obvious to have modified Blevins to incorporate the teachings of Wright and Bridgers to create a guard means firmly supported to the clamp on the shaft by two support members. Slideable support members would allow a user to incorporate larger or smaller trimming radiuses when using the trimming apparatus. Two sliding support members would provide added structural rigidity to the system and

would help prevent the support arms and sliding apparatuses from getting bent due to the guard member running into a rock or any other hard object.

Response to Arguments

3. Applicant's arguments filed on 7/27/2005 have been fully considered but they are not persuasive.

Regarding claims 1 and 2, Watkins (U.S Patent No. 6,324,765) teaches (Col. 3, lines 1-4; also see Figures 2-4, and 6) the clamping member (5 and 4) slideably connected to a support member (13). Watkins anticipates the amended claim 1. Claim 2 is still rejected under 35 U.S.C. 103(b) as being anticipated by Watkins.

Regarding claim 6, Blevins teaches a flexible brush guard which can be slideably attached to the shaft of the trimming device (See Figures 1 and 6) at a 90-degree angle relative to the shaft. Wright teaches a guard member which is slideably supported to a rigid body attached to a shaft (see Figures 1, 2, 7, and 8).

The argument made does not dissuade the fact that it would have been obvious to have modified Blevins to incorporate the teachings of Wright to allow the device of Blevins to incorporate larger or smaller cutting radiuses.

Claims 7, 9, and 16 are still rejected under 35 U.S.C. 103(a) as being unpatentable over Blevins in view of Wright because the independent claim 6 is still rejected.

Regarding claims 11, and 12, Blevins teaches (see Figures 1 and 6) a brush guard member which can be slideably supported to the shaft. Therefore, it is inherent

that the brush guard member can be placed at a 90-degree angle relative to the shaft if the user desired.

Claim 13 is still rejected under 35 U.S.C. 103(a) as being unpatentable over Blevins in view of Wright because the independent claim 11 is still rejected.

Claims 14 is still rejected under 35 U.S.C. 103(a) as being unpatentable over Bridgers in view of Blevins because the independent claim 11 is still rejected.

4. Applicant's arguments with respect to claims 3-5, and 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EFL
9/20/2005


Allan N. Shoap
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